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Old Appellate Process Ends Sept. 9



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Federal workers who are told they stand to be demoted, suspended or fired within the next 90 days will continue their legal administrative fight through regular agency channels despite a new system on the horizon.

President Nixon yesterday gave federal agencies until Sept. 9 to phase out their independent, multilevel adverse action appellate machinery. It will be replaced by a single-level appellate system, administered by what officials say will be an "independent" agency within the Civil Service Commission.

The new adverse action appeals system is the result of months of study by federal officials, and consultation with union brass who don't agree with all of it. It is supposed to give more "due process" to employees in hot water with their agencies, by taking what in essence is their "trial" to a new jurisdiction, namely a new Federal Employees Appeals Authority and a new Appeals Review Board.

Employees who already have been served with adverse action notices, and those who get them between now and Sept. 9, will continue to work through the existing appeals structure. After those cases have been decided, independent agency appeals systems—except for agencies like the CIA—will cease to exist.

All employees charged with

offenses meriting demotion, suspension or dismissal after Sept. 9 will press their appeals through the new system and new agencies.

CSC today will name Paul D. Mahoney as director of the new Federal Employees Appeals Authority. Mahoney, 47, now heads the civilian appellate review agency in Army. Cameron C. Smith will be assistant director for operations. William P. Berzak who now heads the Board of Appeals and Review will take over as chairman of the Appeals Review Board when it officially begins.

A major benefit of the new system, officials say, is that it will give the employee an automatic hearing outside his agency, which presumably is hostile, and will mean faster decision making. Workers now can hang on for months before they know whether Uncle Sam is going to kick them down or out.

The above changes can be made administratively.

But CSC later on will ask Congress to give it legislative authority to:

- Permit agencies and employee and unions to bargain for a separate appellate procedure unique to that agency. If such systems were created, employees facing adverse action could elect either to go through their own system or the CSC route.

- Another possibility would be the request to extend certain appeal rights now available only to veterans to all employ-

Pat

I missed in Friday

Post - FYI

PK

File

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